

December 22, 2008

The Common Council met as the Water Utility Board at 7:00 p.m. on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Fuelling, Hoehn, Curtis, and Higgins attending. Board member Askren was not present. Others attending were Attorney Higgins; Supt. Gray; Chief Beloit; Comm. Maynard; Chief Waters; Rich DeMarco, Tom Hogan, and Dick Honebrink – Johnson Controls, Inc.; Geneva and Tony James; Jana White; Adam Farrar; Dan Funk; Judy Whitten; Nancy Sexton; Pam Robinson – Posey County News; and arriving during the meeting, Jerry Walden.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Board Hoehn moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Fuelling.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Fuelling moved the claims presented be allowed for payment. Seconded by Board member Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

\*\*\*\*\*CLAIMS\*\*\*\*\*

Mayor Tucker stated they will now hear the report of the Water Chairman.

Chairman Curtis stated he will let Supt. Gray give the report.

Supt. Gray stated the north side of the lamella building is still open to the weather, as he has had to get three quotes on the repair of the building. He added after the quotes were received, they then had to order the materials. He stated the west wall was completed last week but it was too cold today to start work on the north wall. He added once this work is done, they will be back up to speed.

Jerry Walden arrived at the meeting.

Mr. DeMarco updated the Board by stating the roof is on the filter building, as well as the four sides are up. He added the trident filter building east side is built up, the west side is 30% internally built, and temporary power has been run to the building. He stated tomorrow the bridge will be in place from the KROFTA building to the filter building. He added the piping work is 75% complete and the electrical work is 30% complete. He stated they will bring five to 10 more people in after the first of the year to help with the electrical work. He then stated the pumps should arrive next week, and the design for the screens for the overall operation of the system will begin shortly. He then asked if there were any questions ?

Chairman Curtis asked if Mr. DeMarco was pleased with the progress ?

Mr. DeMarco replied yes, all materials are on site, other than the pumps.

Board member Fuelling asked if the weather was slowing them down anyway ?

Mr. DeMarco replied it really is having no effect. He then wished everyone a Merry Christmas.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker stated they have the Financial Report before them and any questions could be directed to Bookkeeper Bennett.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Board ?  
Clerk-Treasurer Wolfe replied not at this time.

Mayor Tucker stated on the Legal portion of the Agenda is action on the chemical bids for 2009, opened at the Board of Works meeting December 4, 2008.

Attorney Higgins stated all bids met legal requirements and Brenntag was the only chemical bid received, and again, it was in proper form.

Board member Curtis moved the Board accept the bid of Brenntag Mid South. Seconded by Board member Hoehn.

Mayor Tucker asked if there was any discussion ?

Board member Curtis asked Supt. Gray if he had any concerns ?

Supt. Gray replied none, Brenntag is good to the water department and they have a quality product. He added they will though, still purchase PAC from Delta chemical, as Brenntag did not bid on that.

Mayor Tucker then requested a roll call vote.

Roll was called by the Clerk-Treasurer with Board voting as follows:

Askren – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker stated Jana White is in the Audience and wishes to address the Board.

Ms. White state she is present about an adjustment to her water bill, which she paid ahead of time, at 534 E. 9<sup>th</sup> Street. She added the bill normally runs \$34.14, but a commode had a leak, and the bill jumped to \$93.46. She stated she has a copy of the plumbers report as well.

Supt. Gray stated they can make an adjustment, but Ms. White wants a refund of the difference between the two bills.

Board member Fuelling asked then if the next bill would be adjusted ?

Supt. Gray replied yes, actually two bills from now. He added Ms. White should ignore the next bill, which will be a disconnect notice, then she will receive a normal bill.

Board member Curtis moved Supt. Gray be permitted to make the necessary adjustments for the leak, take appropriate action. Seconded by Board member Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Board voting as follows:

Askren – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried.

Mayor Tucker asked if anyone else in the Audience wished to address the Board ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

There was no response.

Mayor Tucker asked if there was any New Business ?

There was no response.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Board member Fuelling moved the meeting be adjourned. Seconded by Board member Hoehn.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

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John Tucker  
Mayor

ATTEST:

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Cristi L. Wolfe  
Clerk-Treasurer

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Fuelling, Hoehn, Curtis, and Higgins attending. Councilwoman Askren was not present. Others attending were Attorney Higgins; Supt. Gray; Chief Beloit; Comm. Maynard; Chief Waters; Rich DeMarco, Tom Hogan, and Dick Honebrink – Johnson Controls, Inc.; Geneva and Tony James; Jana White; Adam Farrar; Dan Funk; Judy Whitten; Nancy Sexton; Pam Robinson – Posey County News; and Jerry Walden.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Councilwoman Higgins moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilman Fuelling.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street & Light Chairwoman Askren was not present.

Comm. Maynard stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Police & Dog Chairman Fuelling stated he has no report.

Chief Beloit stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Fire Chairwoman Hoehn stated she has no report.

Chief Waters stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Sewer Chairwoman Higgins stated she has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker stated they have the Financial Report before them and any questions could be directed to Clerk-Treasurer Wolfe.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Council ?

Clerk-Treasurer Wolfe replied not at this time.

Mayor Tucker stated they are now ready for the Legal portion of the Agenda.

Attorney Higgins stated the first order of business is to rescind Ord. 08-36, the ordinance of Additional Appropriations, which was passed at their last meeting. She stated in the publication of the ordinance, the public hearing was noticed for December 22, not the 8<sup>th</sup>. She added they need to rescind the old ordinance and hold another public hearing, followed by final reading again.

Councilman Curtis moved Ordinance 08-36 be rescinded. Seconded by Councilwoman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now open the Public Hearing on the Ordinance of Additional Appropriations in the COIT and L R & S Funds. He asked if anyone in the Audience wished to address the Council concerning this ordinance ?

There was no response.

Mayor Tucker then closed the Public Hearing.

Councilman Curtis then moved the Ordinance of Additional Appropriations pass on final reading. Seconded by Councilwoman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Wolfe added it will be numbered 08-39.

Mayor Tucker stated the next item is an extension on the Sewer BANS – A Renewal Bond Anticipation Note Purchase Agreement.

Attorney Higgins stated these bonds were issued in 2007, and the extension allows payback until July 2009, as they were due in October of this year. She added they will more than likely be paid back the first quarter 2009. She reminded Council these bonds were issued for the Long Term Control Plan initial costs. She then stated by extending the payback, they will have to pay a \$2,500 fee, as well as an interest payment of around \$55,000.00, which Miss Bennett is preparing.

Councilwoman Hoehn moved the Ordinance pass first reading. Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilman Curtis moved the rules be suspended. Seconded by Councilman Fuelling.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilwoman Hoehn moved the ordinance pass on second and third readings. Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Wolfe added it will be numbered 08-40.

Mayor Tucker stated the next item is an Ordinance to Extend Payback of the Tax Anticipation Warrants.

Attorney Higgins stated the warrants were issued in July 2008 with payback expected by December 31, 2008, but as no tax statements have gone out, it is not possible to make the payback at this time. She added this ordinance will extend the payback to June 30, 2009. There is no fee on this one, but an interest payment of \$18,500.00 is due and Clerk-Treasurer Wolfe has prepared that claim, based on the ratio of money borrowed from the various funds.

Councilwoman Hoehn moved the Ordinance to Extend pass first reading. Seconded by Councilman Fuelling.

Mayor Tucker asked if there were any questions ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilwoman Hoehn moved the rules be suspended. Seconded by Councilman Curtis.

Mayor Tucker asked if there were any questions ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilman Fuelling moved the ordinance pass on second and third readings. Seconded by Councilman Curtis.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.  
Mayor Tucker stated the motion carried unanimously.  
Clerk-Treasurer Wolfe added it will be numbered 08-41.

Mayor Tucker stated next is an Ordinance to Amend the City of Mount Vernon, IN Code of Ordinances Title 3-Administration, Chapter 34-Employee Regulations, Section 34.30-Sick Leave.

Attorney Higgins stated this ordinance would put all departments on the same playing field, offering five sick days per year, and upping the carry over days – up to 25. She added it would also require that an employee exhaust all sick, vacation, and personal days before being allowed to use the banked sick days. She added this does not effect the extra vacation days that are earned when employees do not take sick days. She stated one other addition is Section 34.30(B)(5) The employee shall provide a doctor's slip, at the employee's expense, upon request by the department head. At the sole option of the City, the City may also require the employee to be seen by a physician chosen by the City at the City's expense. The employee shall execute a release allowing the physician to report to the City.

Councilman Fuelling moved the ordinance pass first reading. Seconded by Councilwoman Hoehn.

Mayor Tucker asked if there were any questions ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Attorney Higgins stated, if passed this evening, ordinance would be in effect for January 1, 2009.

Councilman Fuelling moved the rules be suspended. Seconded by Councilman Curtis.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilwoman Hoehn moved the ordinance pass on second and third readings. Seconded by Councilman Curtis.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Wolfe added it will be numbered 08-42.

Attorney Higgins stated the next item is a “clean up” Resolution. She stated in 2007, a temporary loan was made, by Resolution, to the Park & Rec Department. She stated as the end of the year, it was apparent they would not be able to pay that loan back, and Clerk-Treasurer Wolfe, knowing all funds needed to be whole at the end of the year, paid it back from the General Fund. The Park & Rec then paid the General Fund back in January 2008. She stated all of this was properly done with the exception of there not being the paperwork to back that up. She stated the next two Resolutions take care of that and ensure the satisfaction of the State Board of Accounts.

Councilwoman Hoehn moved the Resolution Authorizing Loan of Funds from the City of Mt. Vernon General Fund to the Park & Recreation Fund be passed. Seconded by Councilman Fuelling.

Mayor Tucker asked if there were any questions ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Wolfe added it will be numbered 08-43.

Attorney Higgins stated the next Resolution finalizes the actions taken above, declaring an emergency.

Councilwoman Hoehn moved the Resolution Declaring an Emergency and Authorizing the Extension for the Repayment of Loan of Funds Involving Loan Payments Due from the Park & Recreation Fund to the General Fund be passed. Seconded by Councilman Curtis.

Mayor Tucker asked if there were any questions ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Wolfe added it will be numbered 08-44.

Mayor Tucker stated the final item is an Ordinance to Vacate a Public Right-of-Way.

Adam Farrar approached and stated he is the legal counsel for Mr. Funk, who is requesting the vacation. He added they have provided notice to the utilities and heard no objections, only Vectren wanting to be assured they would still have access. He added this would not interfere with the existing use of any utilities, not would it interfere with the public in any way. He added Mr. Funk would also be taking over maintenance of the vacated alleyway.

Councilwoman Higgins asked if the alley intersection east isn't already closed ?

Mr. Farrar replied that is correct.

Councilwoman Higgins stated then traffic would only travel north and south.

Mr. Funk replied that is correct.

Councilman Fuelling questioned trash pick up, that is north and south as well ?

Mr. Funk replied yes. He stated he is making the request due to increased traffic and speed in the alley.

Councilman Fuelling stated he is surprised there would be a lot of traffic in that alley.

Mr. Farrar stated their request is consistent with what the city has done in the past.

Councilman Curtis moved they accept the vacation petition and pass Ordinance to Vacate Public Right-of-Way on first reading. Seconded by Councilwoman Higgins.

Mayor Tucker asked if there was any discussion ?

Councilman Curtis stated this will be accepted with the stipulation about Vectren ?

Attorney Higgins agreed then questioned when the public hearing was advertised for ?

Mr. Farrar replied it was advertised for this evening at 7:00 p.m.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker then opened the Public Hearing and asked if anyone in the Audience wished to address the alley vacation ?

There was no response.

Mayor Tucker then closed the public hearing.

At the time it was decided to take no further action and let the public have a chance to comment.

Mr. Farrar and Mr. Funk then left the meeting.

Mayor Tucker asked if anyone in the Audience wished to address the Council ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

There was no response.

Mayor Tucker asked if there was any New Business ?

Councilman Curtis stated he, Mayor Tucker, and Clerk-Treasurer Wolfe had the entrance conference with State Board of Accounts last week, and as part of their standard operation procedures with entities that receive large amounts of federal money, Council, as well as any city employee, may be receiving a questionnaire or a phone call as part of risk management. He assured Council things are going as they normally do, but this year due to the federal money, the City is having an Audit, instead of an examination, which the City has had in the past.

Mayor Tucker stated they will now hear the reports of the Districts.

1<sup>st</sup> District Councilwoman Askren was not present.

2<sup>nd</sup> District Councilman Fuelling stated Vectren replaced a light promptly in his District, in one day, fantastic job.

3<sup>rd</sup> District Councilwoman Hoehn stated she has no report.

4<sup>th</sup> District Councilman Curtis stated he has no report.

Councilwoman-at-Large Higgins stated she has no report.

Mayor Tucker made the following appointments for 2009:

Councilwoman Askren – Area Plan Commission

Councilman Fuelling – Fire Department

Councilwoman Askren – Police Department

Councilwoman Hoehn – Street Department

Councilman Curtis – Water Department

Councilwoman Higgins – Sewer Department

Councilman Fuelling and Councilwoman Higgins – Board of Public Works

Councilman Fuelling – Solid Waste Management

Mayor Tucker stated they also need to be thinking about Mayor Pro Tem. Councilman Curtis is Mayor Pro Tem this year.

Councilwoman Higgins moved Councilman Curtis again be appointed Mayor Pro Tem. Seconded by Councilman Fuelling.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.



Mayor Tucker stated as it is the end of his first year, he would like to thank everyone for all of their help and assistance, it has been a pleasure and they have accomplished many good things, he hopes they continue. He added he would like to thank Attorney Higgins, and as always, Clerk-Treasurer Wolfe, and especially the Audience for attending.

Mayor Tucker stated if there was nothing further, he entertains a motion to adjourn.

Councilman Fuelling moved the meeting be adjourned. Seconded by Councilwoman Hoehn.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

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John Tucker  
Mayor

ATTEST:

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Cristi L. Wolfe  
Clerk-Treasurer